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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,352	08/03/2006	Peter Goldstein	119010-00183	8669
29177	7590	03/05/2009	EXAMINER	
K&L Gates LLP			CATTUNGAL, AJAY P	
P.O. BOX 1135			ART UNIT	
CHICAGO, IL 60690			PAPER NUMBER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/588,352	<b>Applicant(s)</b> GOLDSTEIN ET AL.	
	<b>Examiner</b> AJAY P. CATTUNGAL	<b>Art Unit</b> 4173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/03/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This office action has been examined. Claims - are pending.

#### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-9, 11, 19, 22-25 are rejected under 35 U.S.C. 102(b) as being unpatentable by Scoggins et al. (US 2003/0227908).

Re claim 8, Scoggins et al. discloses a method for negotiating bearer properties in a communication network, comprising: providing a plurality of Media Gateway Controllers (See Fig 3 items 306 and 307) and a plurality of Media Gateways (See Fig 3 items 303 and 304), in which bearer properties are maintained; and maintaining reference lists in the Media Gateway Controllers, the reference list comprising influenceable bearer properties (property sets) (Para 19 lines 12-19)

Re claim 9, Scoggins et al. discloses a method, wherein a negotiation of the bearer properties are influenced by a configuration undertaken by a network operator (Para 19 lines 7-10 and lines 15-17).

Re claim 11, Scoggins et al. discloses a method, wherein a negotiation of the communication networks are embodied as IP networks (Para 03).

Re claim 19, Scoggins et al. discloses a method for negotiating bearer properties in a communication network, comprising: providing a first Media Gateway Controller including a reference list having bearer properties, the reference list administrable by a network operator (Para 19 lines 7-11 and lines 15-14); providing a first Media Gateway communicatively coupled to the first Media Gateway Controller, the first Media Gateway

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including a reference list having bearer properties (See Fig 2 items 306 and 303 and Para 11) ; informing the first Media Gateway Controller of a connection set up request ( Para 20 lines 3-6); comparing the reference list of the first Media Gateway Controller with a reference list of the first Media Gateway Controller; and forming an intersection of the bearer properties between the compared lists (Para 20 lines 3-15).

Re claim 22, Scoggins et al. discloses a method comprising, providing a second Media Gateway Controller including a reference list having bearer properties (Para 19 lines 7-11 and lines 15-14); providing a second Media Gateway communicatively coupled to the second Media Gateway Controller and communicatively coupled to the first Media Gateway (See Fig 2 items 307 and 304, 303 and 304 are communicatively coupled with each other through packet network 305 and Para 11); notifying the second Media Gateway Controller of the intersection; and determining if the intersection is supported by the second Media Gateway Controller (Para 20 lines 6-15).

Re claim 23, Scoggins et al. discloses a method comprising, sending a rejection if the reference list of the second Media Gateway Controller does not support a bearer property included in the intersection (Para 22 lines 1-3).

Re claim 24, Scoggins et al. discloses a method comprising, removing the bearer properties in the intersection that are not in the reference list of the second Media Gateway Controller; and sending the updated intersection to the first Media Gateway (Para 21 lines 1-5).

Re claim 25, Scoggins et al. discloses a method comprising, removing the bearer properties in the intersection that are blocked by the reference list of the second Media

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Gateway Controller; and sending the updated intersection to the first Media Gateway (Para 21 lines 1-5 Here the bearer properties being blocked is similar to not having in the reference list which is similar to the media gateway incapable of using those proposed parameters).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scoggins et al. (US 2003/0227908) in view of Hoffmann et al. (US 2005/0008030).

Re claim 10, Scoggins et al. discloses the claimed invention as set forth in claim 8 above. Scoggins et al. does not disclose a method, wherein a least one of the Media Gateway Controllers includes a master function for the group of Media Gateways the

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Media Gateway Controller controls. However Hoffmann et al. discloses a method, wherein a least one of the Media Gateway Controllers includes a master function for the group of Media Gateways the Media Gateway Controller controls (See Fig 1 CMN is the master function that controls the media gateways). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the bearer control parameter negotiating method of Scoggins et al. with the master function media control gateway method of Hoffmann et al. in order to facilitate open switching interfaces.

6. Claims 12-16, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scoggins et al. (US 2003/0227908) in view of Graf et al. (US 6,671,367).

Re claim 12, Scoggins et al. discloses the claimed invention as set forth in claim 8 above. Scoggins et al. does not disclose a method, wherein the bearer properties are embodied as a prioritization of codecs. However Graf et al. discloses a method, wherein the bearer properties are embodied as a prioritization of codecs (Col 2 lines 34-37 and lines 54-56 teaches of prioritization of codecs). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the bearer control parameter negotiating method of Scoggins et al. with the prioritization of codecs method of Graf et al. in order to provide a method for negotiating a call capability between signaling points.

Re claim 13, note that Graf et al. discloses a method, wherein the bearer properties are embodied as codecs (Col 2 lines 34-37 and lines 54-56 teaches of a list of preferences which are bearer properties and these proprieties refer to the

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prioritization of codecs).

Re claim 14, note that Graf et al. discloses a method, wherein the bearer properties are embodied as a prioritization of the codecs (Col 2 lines 34-37 and lines 54-56 teaches of a list of preferences which are bearer properties and these proprieties refer to the prioritization of codecs).

Re claim 15, note that Graf et al. discloses a method, wherein negotiation of the bearer properties is always undertaken via Media Gateway Controllers (Col 3 lines 48-63 teaches the negotiation is done by the media gateway controller. Here the list of preferences is the bearer properties).

Re claim 16, note that Graf et al. discloses a method, wherein the bearer properties are embodied as codecs (Col 2 lines 34-37 and lines 54-56 teaches of a list of preferences which are bearer properties and these proprieties refer to the prioritization of codecs).

Re claim 26, note that Graf et al. discloses a method, wherein the bearer properties are embodied as a prioritization of codecs (Col 2 lines 34-37 and lines 54-56 teaches of a list of preferences which are bearer properties and these proprieties refer to the prioritization of codecs).

Re claim 27, note that Graf et al. discloses a method, wherein the bearer properties are embodied as codecs (Col 2 lines 34-37 and lines 54-56 teaches of a list of preferences which are bearer properties and these proprieties refer to the prioritization of codecs).

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7. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scoggins et al. (US 2003/0227908) in view of Graf et al. (US 6,671,367), as applied to claim 16 above, and in further view of Hoffmann et al. (US 2005/0008030).

Re claim 17, Scoggins et al. in view of Graf et al. discloses the claimed invention as set forth in claim 16 above. Scoggins et al. in view of Graf et al. does not disclose a method, wherein a least one of the Media Gateway Controllers includes a master function for the group of Media Gateways the Media Gateway Controller controls. However Hoffmann et al. discloses a method, wherein a least one of the Media Gateway Controllers includes a master function for the group of Media Gateways the Media Gateway Controller controls (See Fig 1 CMN is the master function that controls the media gateways). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the bearer control parameter negotiating method of Scoggins et al. in view of Graf et al. with the master function media control gateway method of Hoffmann et al. in order to facilitate open switching interfaces.

Re claim 18, Note that Graf et al. discloses a method, wherein a negotiation of the bearer properties are influenced by a configuration undertaken by a network operator (Col 14 lines 46-48 teaches the network support a number of codecs and the network has a few preferred codecs which means the network operator has influence over the choosing of the codecs.).

8. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scoggins et al. (US 2003/0227908) in view of Graf et al. (US 7,292,687).

Re claim 20, Scoggins et al. discloses the claimed invention as set forth in claim



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19 above. Scoggins et al. does not disclose a method, wherein the intersection is formed by removing the bearer properties in the reference list of the first Media Gateway that are not in the reference list of the first Media Gateway Controller.

However Graf et al. discloses a method, wherein the intersection is formed by removing the bearer properties in the reference list of the first Media Gateway that are not in the reference list of the first Media Gateway Controller (Col 10 lines 2-10). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the bearer control parameter negotiating method of Scoggins et al. with the method of capability negotiation of telecommunication network of Graf et al. in order to provide a method for negotiating a call capability between signaling points.

Re claim 21, note that Graf et al. discloses a method, wherein the intersection is formed by removing the bearer properties in the reference list of the first Media Gateway that are blocked via the reference list of the first Media Gateway Controller (Col 10 lines 2-5).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY P. CATTUNGAL whose telephone number is (571)270-7525. The examiner can normally be reached on Monday- Friday 7:30 - 5:00, Alternating Fridays OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jinhee Lee can be reached on 571-292-1977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jinhee J Lee/  
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